

## UNITED STATES DISTRICT COURT

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Southern

District of

New York

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Henry Shatkin, on behalf of himself and all others  
similarly situated

**SUMMONS IN A CIVIL ACTION**

V.

The Bank of New York Mellon Corporation

CASE NUMBER:

**07 CIV 7928****JUDGE CROTTY**

TO: (Name and address of Defendant)

The Bank of New York Mellon Corporation  
Attn: General Counsel  
One Wall Street  
New York, New York, 10286

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Christopher Lovell  
Lovell Stewart Halebian LLP  
500 Fifth Avenue  
New York, NY 10110

an answer to the complaint which is served on you with this summons, within 20 (twenty) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SEP 10 2007

**J. MICHAEL McMAHON**

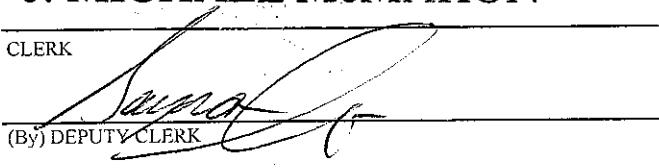
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CLERK

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DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):  		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____            Date _____ <i>Signature of Server</i>   <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
Southern District of New York**

Index Number: 07 CIV. 7928

Date Filed: \_\_\_\_\_

Plaintiff:

**HEBRY SHATKIN, on behalf of himself and all others similarly situated**

vs.

Defendant:

**THE BANK OF NEW YORK MELLON CORPORATION**

Received by ASK Litigation Support, Inc. to be served on **THE BANK OF NEW YORK MELLON CORPORATION, One Wall Street, New York, NY 10286.**

I, Simon Kahn, being duly sworn, depose and say that on the **13th day of September, 2007 at 11:45 am, I:**

Personally delivered a true copy of the **Summons & Complaint, Civil Cover Sheet, Judge and Magistrate's Rules including ECF** to Anthony Mancuso, Vice President and that said documents were in actuality delivered to the business at the location stated above.

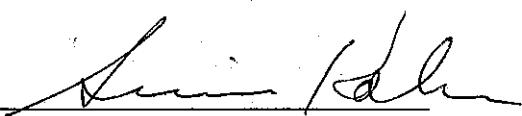
**Description of Person Served:** Age: 52, Sex: M, Race/Skin Color: Caucasian, Height: 5'11", Weight: 190, Hair: Graying, Glasses: Y.

I am over the age of 18, not a party to this action, and reside in the State of New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

9/14/07  
DATE

  
**Simon Kahn**  
0842361

**ASK Litigation Support, Inc.  
D/B/A Firm Service  
211 East 43rd Street, Suite 1901  
New York, NY 10017  
(212) 481-9000  
Our Job Serial Number: 2007000566**